

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

PATRICK STUART,

Plaintiff,

vs.

UNION PACIFIC RAILROAD COMPANY,
a Delaware Corporation;

Defendant.

8:21CV477

AMENDED
CASE PROGRESSION ORDER

This matter comes before the Court on the Unopposed Motion to Amend the Case Progression Order ([Filing No. 23](#)). After review of the motion, the Court finds good cause to grant the requested extensions. Accordingly,

IT IS ORDERED that the Unopposed Motion to Amend the Case Progression Order ([Filing No. 23](#)) is granted, and the case progression order is amended as follows:

- 1) The deadlines for identifying expert witnesses and completing expert disclosures¹ for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff:	April 3, 2023
For the defendant:	June 1, 2023
Plaintiff's rebuttal:	July 3, 2023

- 2) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is **August 31, 2023**.
 - a. The maximum number of depositions that may be taken by the plaintiffs as a group and the defendants as a group is **ten (10)**.
 - b. Depositions will be limited by Rule 30(d)(1), except that a deposition may be adjourned one day and restarted another day with the consent of the parties, as long as the total time questioning the deponent does not exceed seven (7) hours.
- 3) The planning conference to discuss case progression, dispositive motions, the parties' interest in settlement, and the trial and pretrial conference settings is rescheduled for **September 1, 2023**, at **10:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.

¹ While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.

- 4) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **October 31, 2023**.
- 5) The deadline for filing motions to dismiss and motions for summary judgment is **November 30, 2023**.
- 6) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 7) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 3rd day of November, 2022.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge